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**SECOND SUBSTITUTE HOUSE BILL 1153**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Orwall, Gregerson, Davis, Hackney, Macri, Callan, Pollet, Ramos, Bergquist, Thai, J. Johnson, Simmons, and Valdez)

READ FIRST TIME 02/01/22.

1 AN ACT Relating to language access in public schools; adding a  
2 new section to chapter 28A.710 RCW; adding a new section to chapter  
3 72.40 RCW; adding a new chapter to Title 28A RCW; creating new  
4 sections; and repealing RCW 28A.155.230.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

7 (a) It is the policy of the state to welcome and encourage the  
8 presence of diverse cultures and the use of diverse languages and  
9 modalities of communication in business, government, and private  
10 affairs in this state. To this end, the state has developed  
11 interpreter credentialing programs for court, medical, and social  
12 service settings.

13 (b) According to a report from the United States department of  
14 education, 50 years of research has shown that family engagement has  
15 beneficial impacts on student grades, test scores, drop-out rates,  
16 students' sense of competence, and beliefs about the importance of  
17 education. In Washington, many students' family members have language  
18 access barriers because they prefer to communicate in a language  
19 other than English or require communication assistance services.  
20 Washington public schools' ability to effectively communicate with  
21 students and their family members who have language access barriers

1 plays a vital role in reducing educational opportunity gaps. Failure  
2 to provide language access hinders communication between schools and  
3 families, which leads to long-term economic costs when a substantial  
4 fraction of the students in Washington are not able to realize their  
5 full potential.

6 (c) Effective two way communication between school staff and  
7 student's families in educational settings outside the classroom is  
8 not taking place for a variety of reasons, including: (i) Some school  
9 districts do not consistently assess the language needs of their  
10 communities or consistently evaluate the effectiveness of their  
11 language access services; (ii) resources, including time and money,  
12 are often not prioritized to engage families with language access  
13 barriers; and even when language access is a priority, some districts  
14 do not know the best practices for engaging families with language  
15 access barriers; (iii) school staff are often not trained on how to  
16 engage families with language access barriers, how to engage and use  
17 interpreters in educational settings outside the classroom, or when  
18 to provide translated documents; and (iv) there are not enough  
19 interpreters qualified to work in educational settings outside the  
20 classroom.

21 (d) Providing meaningful, equitable language access to students  
22 and their family members who have language access barriers is not  
23 only a civil right, but will help students meet the state's basic  
24 education goals under RCW 28A.150.210 resulting in a decrease in the  
25 educational opportunity gap between learners with language access  
26 barriers and other students, because student outcomes improve when  
27 families are engaged in their student's education.

28 (2) Therefore, the legislature intends to require public schools  
29 to implement a language access plan and program for culturally  
30 responsive, systemic family engagement developed through meaningful  
31 stakeholder engagement. The legislature intends to provide training,  
32 tools, and other technical assistance to public schools to support  
33 the development, implementation, and evaluation of their language  
34 access plans and programs. In addition, the legislature intends to  
35 direct the development and implementation of credentialing for spoken  
36 and sign language interpreters for students' families in educational  
37 settings outside the classroom, with the goal of creating a  
38 professional interpreter workforce guided by a code of ethics and  
39 standards of practice. Finally, the legislature intends to establish

1 an ongoing advisory committee to guide, monitor, and report on the  
2 implementation of these new policies.

3 NEW SECTION. **Sec. 2.** The definitions in this section apply  
4 throughout this chapter unless the context clearly requires  
5 otherwise.

6 (1) "Interpreter" means a spoken language or sign language  
7 interpreter working in a public school, as defined in RCW  
8 28A.150.010, to interpret for students' families, students, and  
9 communities in educational settings outside the classroom.

10 (2) "Qualified interpreter" means an interpreter who is able to  
11 interpret effectively, accurately, and impartially, both receptively  
12 and expressively using any necessary specialized vocabulary until the  
13 office of the superintendent of public instruction and the Washington  
14 professional educator standards board establish a different  
15 definition in rule making.

16 (3) "Reports of the language access work group" means the reports  
17 of the language access work group created by section 2, chapter 256,  
18 Laws of 2019, and reconvened and expanded by section 501(3)(g),  
19 chapter 334, Laws of 2021.

20 NEW SECTION. **Sec. 3.** The principles of an effective language  
21 access program for culturally responsive, systemic family engagement  
22 are as follows:

23 (1) Accessibility and equity. Schools provide access to all; two-  
24 way communication is a priority and is woven into the design of all  
25 programs and services;

26 (2) Accountability and transparency. The language access program  
27 and decision-making processes at all levels are: Open, accessible,  
28 and useable to families; proactive, not reactive; continuously  
29 improved based on ongoing feedback from families and staff; and  
30 regulated by a clear and just complaint process;

31 (3) Responsive culture. Schools are safe, compassionate places  
32 where each family's opinions are heard, needs are met, and  
33 contributions are valued. School staff are humble and empathetic  
34 towards families; and

35 (4) Focus on relationships. Schools seek to relate to families on  
36 an individual level, building trust through respectful relationships  
37 that recognize the unique strengths that each family and student  
38 possesses.

1        NEW SECTION.    **Sec. 4.**    (1) The center for the improvement of  
2 student learning established in RCW 28A.300.130 must implement a  
3 language access technical assistance program for culturally  
4 responsive, systemic family engagement that meets the requirements of  
5 this section.

6        (2) Subject to the availability of amounts appropriated for this  
7 specific purpose, the language access technical assistance program  
8 must:

9        (a) Adhere to the principles of an effective language access  
10 program for culturally responsive, systemic family engagement  
11 established in section 3 of this act;

12        (b) Provide training and technical assistance to support the  
13 implementation of language access programs for culturally responsive,  
14 systemic family engagement required under sections 5 and 8 of this  
15 act;

16        (c) Develop and maintain training modules for interpreters on  
17 interpreting for students' families and students in educational  
18 settings outside the classroom;

19        (d) Develop, periodically update, and publish a language access  
20 toolkit that includes the following resources:

21        (i) A self-assessment for evaluating the provision of language  
22 access services;

23        (ii) A guide for the development, implementation, and evaluation  
24 of a language access policy, procedures, and plan that meets the  
25 specific needs of families and the community;

26        (iii) Best practices for using dual role staff as interpreters,  
27 for using contract interpreters, for using remote interpretation, and  
28 for translating documents;

29        (iv) Language access service evaluation templates for spoken and  
30 sign languages;

31        (v) Information for students' families about their language  
32 access rights, translated into English, Spanish, and at least the  
33 next nine languages most commonly used by students and their  
34 families; and

35        (vi) Sample job description of school district language access  
36 coordinators and building points of contact for language access  
37 services;

38        (e) Develop, periodically update, and publish bilingual  
39 glossaries of education terminology;

1 (f) Analyze and publish language access and language access  
2 information submitted as required under section 6 of this act. In  
3 addition to disaggregation by the student race and ethnicity  
4 categories and subcategories described in RCW 28A.300.042 (1) and  
5 (3), the published information must be disaggregated, to the extent  
6 possible, by language, school district and school, type of meeting,  
7 and other demographics or categories; and

8 (g) Provide staff support for the language access advisory  
9 committee established in section 10 of this act.

10 (3) The activities of and resources provided by the language  
11 access technical assistance program must take into consideration the  
12 recommendations in the reports of the language access work group.

13 NEW SECTION. **Sec. 5.** (1) Beginning with the 2022-23 school  
14 year, each school district must implement a language access program  
15 for culturally responsive, systemic family engagement. Implementation  
16 of a language access program requires that a school district, at a  
17 minimum, complete the following activities:

18 (a) Develop a language access plan that outlines how the school  
19 district identifies language access needs, allocates resources,  
20 establishes standards for providing language access services, and  
21 monitors the effectiveness of the language access program;

22 (b) Administer the self-assessment for evaluating the provision  
23 of language access services, which is part of the toolkit described  
24 in section 4 of this act;

25 (c) Use the guide for the development, implementation, and  
26 evaluation of a language access policy, procedures, and plan, which  
27 is part of the toolkit described in section 4 of this act. The  
28 processes for developing and evaluating the language access policy,  
29 procedures, and plan must engage staff, students' families, and other  
30 community members in ways likely to result in timely and meaningful  
31 feedback, for example partnering with community based organizations  
32 and providing translation and interpretation in common languages  
33 understood by students' families;

34 (d) Adopt a language access policy and procedures that adheres to  
35 the principles of an effective language access program for culturally  
36 responsive, systemic family engagement established in section 3 of  
37 this act, and incorporates the model policy and procedures described  
38 in section 9 of this act;

1 (e) Collaborate with community-based organizations on how to work  
2 effectively with interpreters; and

3 (f) Review, update, and publish, at least annually, information  
4 about the school district's language access plan, policy and  
5 procedures, and language access services, including the need for, and  
6 spending on, language access services. The information must include  
7 notice to families about their right to free language access services  
8 and the contact information for any school district language access  
9 coordinator and any building points of contact for language access  
10 services. The information must be translated into common languages  
11 understood by students' families.

12 (2)(a) Except as required under (b) of this subsection, school  
13 districts are encouraged to have a language access coordinator with  
14 the duties described in (c) of this subsection.

15 (b) Beginning with the 2022-23 school year, school districts with  
16 at least 50 percent English learner enrollment or greater than 75  
17 languages used by students or families must either: (i) Have a full-  
18 time language access coordinator with the duties described in (c) of  
19 this subsection; or (ii) annually report to the office of the  
20 superintendent of public instruction the total number of hours school  
21 district staff spent performing the language access coordinator  
22 duties described in (c) of this subsection and other information as  
23 required by the office of the superintendent of public instruction.

24 (c) The duties of the school district language access coordinator  
25 are to: (i) Serve as the primary contact for families, community  
26 members, school district staff responsible for monitoring compliance  
27 with chapter 28A.642 RCW, the office of the superintendent of public  
28 instruction, and the office of the education ombuds on issues related  
29 to language access needs and language access services; (ii)  
30 collaborate with any building points of contact for language access  
31 services; (iii) receive training and technical assistance provided  
32 under section 4 of this act; and (iv) deliver language access  
33 training and support to school district staff.

34 NEW SECTION. **Sec. 6.** (1) School districts must annually collect  
35 the following language access and language access service information  
36 for use by the school district:

37 (a) The language in which each student and student's family  
38 prefers to communicate;

1 (b) Feedback from participants in each interpreted meeting on the  
2 effectiveness of the interpreter and the provision of language access  
3 services;

4 (c) Whether a qualified interpreter for the student's family was  
5 requested for and provided at meetings reported in the longitudinal  
6 data system established under RCW 28A.300.500; and

7 (d) Other data on provision of language access services.

8 (2) School districts must submit the information collected under  
9 subsection (1)(a) and (c) of this section at the time and in the  
10 manner required by the office of the superintendent of public  
11 instruction.

12 (3) School districts must summarize the feedback collected under  
13 subsection (1)(b) of this section and make it publicly accessible  
14 twice per year.

15 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.710  
16 RCW to read as follows:

17 Sections 5 and 6 of this act govern school operation and  
18 management under RCW 28A.710.040 and apply to charter schools  
19 established under this chapter.

20 NEW SECTION. **Sec. 8.** A new section is added to chapter 72.40  
21 RCW to read as follows:

22 The center for deaf and hard of hearing youth and the state  
23 school for the blind must comply with the requirements in sections 5  
24 and 6 of this act.

25 NEW SECTION. **Sec. 9.** (1) By August 1, 2022, and periodically  
26 thereafter, the Washington state school directors' association must  
27 collaborate with the office of the superintendent of public  
28 instruction to update a model policy and procedures for implementing  
29 a language access program for culturally responsive, systemic family  
30 engagement.

31 (a) When updating the model policy and procedures, the Washington  
32 state school directors' association must perform a racial equity  
33 impact analysis that involves the community.

34 (b) The model policy and procedure must include procedures for  
35 the school district board of directors to annually review the  
36 spending on and the need for language access services.

1 (c) The model policy and procedure must address procedures for  
2 effective communication with students' families who are deaf, deaf  
3 and blind, blind, hard of hearing, or need other communication  
4 assistance.

5 (d) The elements of the model policy and procedures must take  
6 into consideration the recommendations in the reports of the language  
7 access work group.

8 (2) The office of the superintendent of public instruction and  
9 the Washington state school directors' association must maintain the  
10 model policy and procedures on each agency's website, at no cost to  
11 school districts.

12 NEW SECTION. **Sec. 10.** (1) The office of the superintendent of  
13 public instruction shall establish the language access advisory  
14 committee to guide and monitor the implementation of this act and to  
15 recommend changes to requirements, policies, and procedures related  
16 to language access and language access services for students'  
17 families, students, and communities in educational settings outside  
18 the classroom.

19 (2) At a minimum, the advisory committee must guide, monitor, and  
20 make recommendations on the following topics:

21 (a) The effectiveness of language access policies, procedures,  
22 and programs;

23 (b) Family and community engagement, with a focus on  
24 multicultural families, families whose students have multiple  
25 barriers to student achievement, and families least engaged with  
26 their schools;

27 (c) The definition of "qualified interpreter";

28 (d) Supply of and demand for interpreters;

29 (e) Training for interpreters;

30 (f) Credentialing requirements for interpreters, including a code  
31 of professional conduct;

32 (g) Grants to cover nonstate controlled interpreter credentialing  
33 requirement costs;

34 (h) Language access and language access service data collection  
35 and analysis; and

36 (i) Evidence-based practices regarding language access, including  
37 best practice for using state and federal funding to provide language  
38 access services.



1 (3) (a) The members of the advisory committee must include  
2 representatives from spoken and sign language services users,  
3 community organizations that provide direct services to non-English  
4 speaking families, interpreters for students' families, interpreter  
5 preparation programs, advocacy organizations, schools, and school  
6 districts.

7 (b) Members of the advisory committee must be reimbursed for  
8 travel expenses in accordance with RCW 43.03.050 and 43.03.060.  
9 Subject to available funding and as determined by the office of the  
10 superintendent of public instruction, members of the advisory  
11 committee who do not receive compensation from their employer or  
12 contractor for attendance, either in person or virtually, at a  
13 meeting of the advisory committee are eligible for a stipend.

14 (4) Staff support for the advisory committee must be provided by  
15 the language access technical assistance program described in section  
16 4 of this act, except with respect to credentialing requirements for  
17 interpreters, for which staff support must also be provided by the  
18 Washington professional educator standards board.

19 (5) The advisory committee must collaborate with the Washington  
20 professional educator standards board, the Washington state office of  
21 equity established in RCW 43.06D.020, the educational opportunity gap  
22 oversight and accountability committee created in RCW 28A.300.136,  
23 and other office of the superintendent of public instruction  
24 committees that focus on ensuring equity in access to opportunities  
25 for all students.

26 (6) By November 1, 2024, and periodically thereafter, the  
27 advisory committee must submit, in compliance with RCW 43.01.036, a  
28 report on implementation of this chapter to the office of the  
29 superintendent of public instruction, the Washington professional  
30 educator standards board, the governor, and the appropriate  
31 committees of the legislature.

32 NEW SECTION. **Sec. 11.** (1) The office of the superintendent of  
33 public instruction and the Washington professional educator standards  
34 board shall collaborate to establish credentialing requirements for  
35 interpreters as described in this section.

36 (2) Prior to establishing new credentialing requirements for  
37 interpreters, the office of the superintendent of public instruction  
38 and the Washington professional educator standards board must consult

1 with the language access advisory committee established in section 10  
2 of this act.

3 (3) The credentialing requirements for interpreters must take  
4 into consideration the recommendations in the reports of the language  
5 access work group.

6 (4) Credentialing requirements for interpreters, which must  
7 include minimum employment requirements, may be phased in as training  
8 and testing options become available and may be tiered based on the  
9 structure and consequences of the interaction between school staff  
10 and the student's family.

11 (5) The office of the superintendent of public instruction and  
12 the Washington professional educator standards board must establish,  
13 and periodically update, a definition of "qualified interpreter" for  
14 purposes of this chapter and for other purposes.

15 (6) Once a code of professional conduct for interpreters is  
16 established, the superintendent of public instruction has the power  
17 to issue, suspend, and revoke interpreter credentials to which the  
18 code applies and to take other disciplinary actions against  
19 interpreters to which the code applies.

20 (7) State-controlled activities necessary to meet credentialing  
21 requirements, including training, testing, and applications, must be  
22 made available at no cost to people who want to be interpreters.

23 (8) The electronic educator certification process must be adapted  
24 to include interpreter credentials.

25 NEW SECTION. **Sec. 12.** The office of the superintendent of  
26 public instruction and the Washington professional educator standards  
27 board may adopt rules under chapter 34.05 RCW that are necessary for  
28 the effective and efficient implementation of this chapter.

29 NEW SECTION. **Sec. 13.** RCW 28A.155.230 (Student language) and  
30 2019 c 256 s 3 are each repealed.

31 NEW SECTION. **Sec. 14.** Sections 2 through 6 and 9 through 12 of  
32 this act constitute a new chapter in Title 28A RCW.

33 NEW SECTION. **Sec. 15.** If specific funding for the purposes of  
34 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2022, in the omnibus appropriations act, this  
2 act is null and void.

--- **END** ---